


Honorable Mike K. Nakagawa
United States Bankruptcy Judge



Entered on Docket
April 22, 2024

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

DONALD SCOTT HERMAN,

Debtor.

DONALD SCOTT HERMAN; GRASS
VALLEY HOLDINGS, LLP, a limited liability
partnership,

Plaintiffs,

v.

SERVIS ONE, INC., d/b/a/ BSI FINANCIAL
SERVICES, a Corporation; MTC
FINANCIAL INC., d/b/a/ TRUTEE CORPS., a
Corporation; MORGAN STANLEY DEAN
WITTER CREDIT CORPORATION, a
Corporation; and EAGLE NEST TRUST
#10530; TRINITY CAPITAL LLC., a Limited
Liability Company,

Defendants.

Bankruptcy Case No. 23-14385-mkn

Adversary Case No. 23-01153-mkn

Chapter 7

**ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS**

Hearing:

Date: April 3, 2024

Time: 9:30 a.m.

Place: Courtroom 2

Defendant Servis One, Inc. d/b/a BSI Financial Services ("BSI") Motion to Dismiss came on for hearing in the above-entitled Court on April 3, 2024.

THE COURT having reviewed the pleadings of record and considered argument of counsel, relating to Defendant Servis One, Inc. d/b/a BSI Financial Services' Motion to Dismiss, rules as follows.

1 The Debtor listed himself as the sole owner of GRASS VALLEY HOLDINGS, LLC., in his
 2 schedule A/B but this business entity has never owned the property located at 10530 Eagle Nest Street,
 3 Las Vegas, Nevada 89141. ("Subject Property").

4 The Debtor purports to own co-Plaintiff GRASS VALLEY HOLDINGS, LLP., but did not list
 5 this business entity in his schedule A/B, and it also has never owned the Subject Property.

6 The Debtor purports to own GRASS VALLEY HOLDING, LP., but did not list this business
 7 entity in his schedule A/B, which entity owned the Subject Property at the time of the foreclosure on
 8 October 6, 2023.

9 There has never been a legal determination that the Debtor is the "alter ego" of any of the above
 10 business entities and thus, the Subject Property is not property of the estate, pursuant to 11 U.S.C. §
 11 541(a) and was not entitled to protection of the automatic stay 11 U.S.C. § 362(a) when the foreclosure
 12 took place.

13 Additional findings of the Court were made on the record and incorporated herein by reference .

14 WHEREFORE, the Defendant's Motion to Dismiss is granted, and this matter is dismissed with
 15 prejudice.

16 Approved as to form and content:

Approved as to form and content:

17 MALCOLM ♦ CISNEROS, A Law Corporation

18 /s/ Nathan F. Smith

19 NATHAN F. SMITH

20 *Attorneys for Servis One, Inc. d/b/a BSI Financial Services*

/s/ Michael J. Harker

MICHAEL J. HARKER

Attorney for Donald Scott Herman

21
 22 In accordance with Local Rule 9021, the undersigned certifies:

23 I have delivered a copy of this proposed order to all attorneys and unrepresented parties who
 24 appeared at the hearing regarding this matter and/or who filed a written objection and each has approved
 25 the form of this order.

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